S.B. Civil Writ Petition No.1322/06
Krishna Nand Sharma Vs. State & Ors.

Date of Order : 15/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Kamlakar Sharma, for petitioner

Instant petition has been filed against the order of the Tribunal Ann.2 dt.5th December, 2005 whereby appeal preferred by the petitioner against the order of his transfer dt.7th November, 2005 from Silore Bundi to Bhilwara, was dismissed.

Petitioner is working as Medical Officer [Ayurved] and as per statement which has been furnished at Page 4 of the writ petition, petitioner remained posted in District Bundi from 1st July, 1990 to 31st July, 1995 and thereafter from 1st April, 1999 till the order of impugned transfer, which he has questioned before the Tribunal, dt.7th November, 2005 almost more than 10 years he remained posted in District Bundi [Urban & Rural] and he has been transferred to Bhilwara, which is undisputedly at the distance of 75 kms.

Learned Tribunal after taking into consideration the material, recorded a finding that petitioner was not able to prove any malice and arbitrariness in the action of respondents and held that it is a pure administrative decision passed in the interest of administration while transferring the petitioner.

Counsel for petitioner has reiterated the submission made before the Tribunal with regard to political interference made by the authority in passing the order of transfer impugned in the petition.

After going through the material and so also order of the Tribunal, I do not find any error in the said decision, particularly, when he remained posted in District Bundi for more than 10 years and has been transferred at the distance of 75 kms.

I find no force in the writ petition, the same stands dismissed.

[Ajay Rastogi],J.

FRB